



# ***Licensing Board***

March 9, 2009 - 7:00 p.m. – **Agenda**  
133 William Street, Room 314

View Minutes

\* \* \*

**PRESENT:** Steven A. Beauregard, Chairman  
Ronald E. Frenette, Commissioner  
Atty. John A. Markey, Jr. Asst. City Solicitor  
Capt. Steven Vicente, Liaison to the Licensing Board  
Nick Nanopoulos, Director

**MOTION TO ACCEPT THE MINUTES OF THE MEETING OF** – January 26, 2009

**MOTION TO ACCEPT THE MINUTES OF THE MEETING OF** – February 9, 2009

## **APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION**

### **Transfer of Stock - Tr. #168 - (Plot # 93--64)**

**J & S & S, Inc. d/b/a R & B Liquors, John B. Almeida, Co-Director and Co-Stockholder**, who is requesting the transfer of his Corporate Stock (20 Shares) in the **Retail Package Store All Alcoholic Beverages** license to **Sandra M. Almeida** who will control (51 Shares); Steven N. Paiva will remain as a Co-Shareholder (49 Shares) and John B. Almeida will remain as a Co-Director of the corporation. Premises will remain the same at **189 Belleville Avenue**.

**Approved By ABCC – 02/10/09**

### **Change of Manager - Tr. # 036 - (Plot # 126--65)**

**Pub 6 Social Corp. d/b/a Sixth Bristol, 736 Ashley Boulevard** requesting the approval of **Patricia Alphonse**, who resides at 90 Appleton Street, New Bedford, MA. as their new Manager.

**Approved By ABCC – 02/10/09**

### **Change of Officers, Directors, Manager, & Transfer of Stock - Tr. # 025 - (Plot # 103--292)**

**Austin & Korey, Inc. d/b/a Regal Beagle Bar & Grille, Lucy Pimental, President** who is requesting the acceptance of her resignation as President, Treasurer, Director, and Manager, and to allow the transfer of all her corporate stock (510 Shares) to Robert A. Faria, Jr.; and who is also petitioning for a **Change of Officers, Directors, Manager, and Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**. **Robert A. Faria, Jr.** will remain as the Sole Officer of the Corporation, and will serve as the President, Treasurer, Clerk, Sole-Director, Sole Stockholder (1000), and is the **Proposed New Manager** of the Corporation. Premises will remain the same at **1669 Acushnet Avenue**.

**Approved By ABCC – 02/13/09**

### **Change of Manager - Tr. # 039 - (Plot # 47-45-A)**

**Saint Michael Social Club, Inc., 101 Madeira Avenue**, requesting the approval of **David M. DaSilva**, who resides at 86 Chancery Street, New Bedford, MA as their new Manager. (Re-Submitted, Denied on 12/26/08)

**Approved By ABCC – 02/20/09**

### **1. APPLICATION, (No Representation Needed)**

**Cardoza's Wine & Spirits, Inc., Richard K. Cardoza, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'O Carnaval de Brazil Event' to be held at 'Celia's Loft', located at **2 Rose Alley – 2<sup>nd</sup> Floor**; and to be held on **Tuesday, February 17, 2009, from 7:00 p.m. until 1:45 a.m.**

**2. APPLICATION, (No Representation Needed)**

**Dartmouth Rotary Club, Richard A. Espindola, Representative** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their 4<sup>th</sup> Annual Community Wine Tasting Fundraiser Event' to be held at the **Ocean Explorium**, located at **174 Union Street**; and to be held on **Saturday, March 7, 2009, from 7:00 p.m. until 9:00 p.m.**

**3. APPLICATION, (No Representation Needed)**

**KNT Enterprises, Inc. d/b/a Kirby's Irish Pub, Bruce Kirby, President** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their 'Annual St. Patrick Day Event' to be held **Under a Tent in the Pub Parking Lot**, located at **818 Kempton Street**; and to be held on **Tuesday, March 17, 2009, from 2:00 p.m. until 11:45 p.m.**

**4. APPLICATION, (No Representation Needed)**

**Community Nurse & Hospice Care, Inc., Linda Quinn, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Fundraiser/Light Up The Night" to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, March 27, 2009, from 6:00 p.m. until 9:00 p.m.**

**5. APPLICATION, (No Representation Needed)**

**New Bedford Whaling Museum, Jacqueline L. Baszak, Applicant**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for her "Wedding Reception" to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 23, 2009, from 6:00 p.m. until 11:45 p.m.**

**6. APPLICATION,**

**Nucleo Sportinguista #82, Sergio Franco, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Benefit/Humanitarian Group - Portugal' to be held at the **Nucleo Sportinguista #82 Club**, located at **1561-1563 Acushnet Avenue**; and to be held on **Saturday, March 28, 2009, from 6:00 p.m. until 11:45 p.m.**

**7. APPLICATION, (No Representation Needed)**

**Nix Food & Beverage, LLC d/b/a 'CORK', Richard Cardoza, Manager**, requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Citizens ~ Union Savings Bank**, 4 South Main Street, P.O. Box. 1311, Fall River, MA as security to authorize and execute a promissory note for \$650,000.00, pursuant to Massachusetts General Laws Ch.138 s.23.

**8. APPLICATION,**

**Russell M. Dearing**, who resides at **345 Cross Road, Dartmouth, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Cedar Street Garage**, with premises situated at **247 Cedar Street**.

**Note:** Site was previously licensed to **Jose M. Raposo d/b/a Cedar Street Garage Auto Sales & Service**, which was not renewed in 2005; and was previously approved for the display of Eight (8) cars by **Inspectional Services**.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, a **Notarized Letter** stating where repairs will be done, and a **'Business Certificate'** from the **Office of the City Clerk**.

**\*\*Applicant was approved for a 'Special Permit' by the City Council on February 12, 2009.**

**9. APPLICATION,**

**Christopher L. Souza**, who resides at **6 Cedar Lane, Westport, MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Southeast Motors**, with premises situated at **297 Belleville Road**.

**Note:** Site was previously licensed to **Paulo Silva & Christina Teixeira d/b/a Southeast Motors**, which was not renewed for 2009; and was previously approved for the display of Twelve (12) cars by **Inspectional Services**.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond, a Notarized Letter** stating where repairs will be done, and a **'Business Certificate'** from the **Office of the City Clerk**.

#### **10. APPLICATION,**

**Reinaldo A. Castellano**, who resides at **483 Maxfield Street, N.B., MA** who is requesting approval of his application for a **Motor Vehicle Class II (Used Car Dealer) License for Reyli Auto Repairs**, with premises situated at **119 Potter Street**.

**Note:** Site was previously licensed to Matos Auto Sales, Inc., which was not renewed for 2009; and was previously approved for the display of Eighteen (18) cars by Inspectional Services.

Approval of the Motor Vehicle Class II License will require a **'Certificate of Inspection'** from the **Office of Inspectional Services**, a **\$25,000.00 Bond, a Notarized Letter** stating where repairs will be done, and a **'Business Certificate'** from the **Office of the City Clerk**.

#### **11. Hearing: 1846 Bar & Grille, Inc.**

**Omar J. Lawrence, Manager – 1<sup>st</sup> Offense**  
**1846 Purchase Street**

**Your presence**, and that of **Gina Kim Ferreira, (Bartender)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

#### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

#### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

#### **Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

#### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a female bartender later identified as **Gina Kim Ferreira**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 8:25 p.m. - #2009 – 00176/3**

#### **12. Hearing: Nabih Moujabber d/b/a**

**Lebanese Kitchen, Licensee – 1st Offense**  
**1487 - 1489 Purchase Street**

**Your presence** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

#### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

#### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether

present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a male bartender later identified as **Nabih Moujabber**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 8:23 p.m. - #2009 – 00176/5**

**13. Hearing: O'Escondidinho, Inc.**

**Renee Y. Sebastian, Manager – 1<sup>st</sup> Offense**  
**110-12-14-County Street**

**Your presence**, and that of **Maria Morales, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a female bartender later identified as **Maria Morales**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Friday, January 30, 2009 @ approximately 10:10 p.m. - #2009 – 00176/6**

**14. Hearing: S & F Bruce, Inc. d/b/a**

**The Dipper**  
**Felix Bruce, Jr., Manager – 1<sup>st</sup> Offense**  
**1367 Purchase Street**

**Your presence**, and that of **Wayne W. Gagne, (Bartender)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a male bartender later identified as **Wayne W. Gagne**, who was later informed that he allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 8:40 p.m. - #2009 – 00176/3**

**15. Hearing: United Fisherman Club, Inc.**

**Jack Custodio, Manager – 1<sup>st</sup> Offense**  
**639 Orchard Street**

**Your presence**, and that of **Nelida Lima Fonseca, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a female bartender later identified as **Nelida Lima Fonseca**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Friday, January 30, 2009 @ approximately 9:47 p.m. - #2009 – 00176/5**

**16. Hearing: Trans- City, Inc. d/b/a**

**Wharf Tavern & Deli**  
**Rene S. Servais, Manager – 1<sup>st</sup> Offense**  
**216 Herman Melville Boulevard**

**Your presence**, and that of **Nancy M. Johnson, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked for an I.D. from a female bartender later identified as **Nancy M. Johnson**, who was later informed that she allegedly just sold alcohol to a minor.

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 8:54 p.m. - #2009 – 00176/3**

### **17. Hearing: Carreiro's Pub 126 Bar & Grill, Inc.**

**Carlos Carreiro, Manager – 2<sup>nd</sup> Offense (ABCC Sting 04/30/08)**  
**126 Dartmouth Street**

**Your presence**, and that of **Tanya Teixeira, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

### **Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked an I.D. from a female bartender later identified as **Tanya Teixeira**, who was later informed that she allegedly just sold alcohol to a minor,

**Date and time of alleged violations: Friday, January 30, 2009 @ approximately 9:00 p.m. - #2009 – 00176/6**

### **18. Hearing: Tony's Café & Bar, Inc.**

**Antonio M. Raposo, Manager – 2<sup>nd</sup> Offense (ABCC Sting 12/14/07)**  
**118 County Street**

**Your presence**, and that of **Ana Marie Santos, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

### **Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

### **Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

### **Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

### **Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous 'On Premise' liquor

establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked an I.D. from a female bartender later identified as **Ana Maria Santos**, who was later informed that she allegedly just sold alcohol to a minor,

**Date and time of alleged violations: Friday, January 30, 2009 @ approximately 9:52 p.m. - #2009 – 00176/6**

**17. Hearing: Vasco DaGama, Inc.**

**Maria Pinarretta, Manager** – 2<sup>nd</sup> Offense (ABCC Sting 04/08/08)  
**86 Dartmouth Street**

**Your presence**, and that of **Carla Pereira, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous ‘On Premise’ liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked an I.D. from a female bartender later identified as **Carla Pereira**, who was later informed that she allegedly just sold alcohol to a minor,

**Date and time of alleged violations: Friday, January 30, 2009 @ approximately 9:23 p.m. - #2009 – 00176/6**

**19. Hearing: Simba, Inc. d/b/a**

**‘VISIONS’**

**Kristina Morrow, Manager** – 2<sup>nd</sup> Offense (On Probation)  
**226 Union Street**

**Your presence**, and that of **Michelle Pereira, (Barmaid)** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

**Summary of Incident**

Police Department Incident Report states that while conducting undercover stings of numerous ‘On Premise’ liquor establishments in the City of New Bedford, an underage Police Cadet in an undercover capacity posing as a customer purchased, and was served alcohol without being asked an I.D. from a female bartender later identified as **Michelle Pereira**, who was later informed that she allegedly just sold alcohol to a minor,

**Date and time of alleged violations: Saturday, January 31, 2009 @ approximately 9:23 p.m. - #2009 – 00176/5**

**Note: An additional Police Report (#2009 – 03203) regarding an underage (19) female being on the premises was received on 03/03/09.**

**20. Hearing: Tropicana Bar & Grille**  
**Maria Barbosa, Licensee**  
**1700 Purchase Street**

**Your presence** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department Incident Report, and to address other concerns the Board may have regarding reports of disturbances, as reported by City of New Bedford Police Department Incident Reports and Police Logs noted as follows:

**Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c, 69-**

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service; No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premises.

**(Note: It does not matter whether or not that person is driving. Every licensee should have clear policies known to all staff on offering assistance to an intoxicated person, including under what circumstances to notify police.)**

**Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

**Licensing Board Regulation No. 5, 10, 11, 12-**

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe....

**Summary of Incident**

Police Department Incident Report states that Officers were dispatched to 1700 Purchase Street on a disturbance call, who, upon arrival were told by the proprietor that there had been a problem with three males and that they refused to leave when he told them to do so.

The disturbance resulted in the arrest of four males for disturbing the peace who were disruptive and uncooperative during the whole booking process.

The police also noted in their report that two of the males were in the bar and showed obvious signs of intoxication, and that one of the males was only 20 yrs. old and that the other male did not have any I.D. on him.

**Date and time of alleged violations: Sunday, January 25, 2009 @ approximately 1:30 a.m.**

**Police Report # 2009 – 01410 – 01/25/09 (1:30 a.m.)**

**Police Log Report - (License was issued on 02/15/08)**

• **CORRESPONDENCE,**

From: Atty. Paul J. Gillis  
02/13/09

Dated – 02/13/09 Received –

**Re: Sapatinha's Café, Jose Borges, Manager**  
**Avenue**

**289 Acushnet**

A WRITTEN REQUEST, asking the Board to allow Mr. Borges a hearing on his request to reconsider the actions of the Licensing Board taken on Monday, February 9, 2009, and to stay the penalty pending a hearing. (ON FILE)

---

**Action Taken (02/18/09)** – A *Written Response* was sent informing the licensee that he must abide by the time restrictions until the Board's meeting of March 9<sup>th</sup>.



**Rec'd 03/03/09 – Police Report # 2009 – 03203 – Written Compliant** from by N. B. Police Officers regarding alleged actions of Criminal Harassment by Mr. Borges towards the Officers at another liquor establishment. **(On File 02/27/09)**

**GRANTED In City Council February 12, 2009**

**Received**

**02/20/09**

The undersigned (**Gil W. Marques d/b/a Gil's Motorsports, 475 Belleville Road**) petitions the City Council to grant a **SPECIAL PERMIT** to allow Motorcycle (Used) Sales & Light Service.

**IN CITY COUNCIL**, February 12, 2009

Rule 42 Waived – Yeas 10, Nays 0

Rita D. Amuda, City

Clerk

**Permission for Special Permit GRANTED** - Yeas 10, Nays 0

Rita D. Amuda, City

Clerk

Presented to the Mayor for approval February 17, 2009

Rita D. Amuda, City

Clerk

**Approved on February 19, 2009**

Scott W. Lang,

Mayor

**GRANTED In City Council February 12, 2009**

**Received**

**02/20/09**

The undersigned (**Russell Dearing d/b/a Cedar Street, 247 Cedar Street**) petitions the City Council to grant a **SPECIAL PERMIT** to allow Motor Vehicle (Used) Car Sales & Service.

**IN CITY COUNCIL**, February 12, 2009

Rule 42 Waived – Yeas 10, Nays 0

Rita D. Amuda, City

Clerk

**Permission for Special Permit GRANTED** - Yeas 10, Nays 0

Rita D. Amuda, City

Clerk

Presented to the Mayor for approval February 17, 2009

Rita D. Amuda, City

Clerk

**Approved on February 19, 2009**

Scott W. Lang,

Mayor

From: Eddie J. Jenkins, Chairman, for the ABCC

Dated – 01/27/09

Received – 01/29/09

**Re: Merchant Mariners Social Club, Inc.**

***Continued from March 3, 2009***

**26 Wing**

**Street**

**New Hearing Date** – Tuesday, March 31, 2009 @ 11:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Commission Regulations as follows: M.G.L. CH. 62, sec. 47A (d), and 830 CMR 62C .47A.2: **Failure To Pay Club Alcohol Meals Taxes (DOR)**

• **REVIEW POLICE DEPARTMENT INCIDENT REPORTS**

<b><u>NAME</u></b>	<b><u>POLICE REPORT#</u></b>	<b><u>DATE</u></b>	<b><u>VIOLATION</u></b>
1. Tony's Café & Bar Safe	#2009 – 02827	02/20/09	Failure To Keep Premises  Approx. Time of Incident 2:11 a.m.
2. Visions Night Club Safe;	#2009 – 02563	02/15/09	Failure To Keep Premises  19 Year Old on Premises (Victim of Assault) Approx. Time of Incident

3. Sapatinha's  
(Jose G. Borges, Licensee)

#2009 – 03203

02/27/09

**1:05 a.m.**

Criminal Harassment  
**Approx. Time of Incident**  
**2:10 a.m.**

- **`COMPLAINTS RECEIVED:**  
**-NONE-**
- **NEXT TWO (2) MEETING DATES:** March 23 & April 27
- **MEETING ADJOURNED:**